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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ronald A. Katz

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EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

08/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/686,883	KATZ, RONALD A.	
	Examiner	Art Unit	
	Stella L. Woo	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 63-124 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 63-124 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 63-124 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The claims have been amended to recite “an area of interest created by the user.” However, the specification describes the area of interest as being a merchandise code selected by the user from a list of established merchandise codes (paragraph 78). The merchandise code is not created by the user.
3. Should the new matter be canceled from the claims, the claims would be rejected in view of prior art for the same reasons given in the last Office action and repeated below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 63-68, 70-73, 76-87, 89-93, 96-108, 110-124 are rejected under 35

U.S.C. 102(e) as being anticipated by Vega (US 2002/0120554 A1).

Regarding claims 63-64, 78-80, 82-83, 98-100, 102, 108, 114-118, 121-122, Vega discloses a traffic control system (100) comprising:

an interface for communications through the public telephone system (Vega provides for a variety of communication modes including communication over the telephone network; paragraph 47) involving a user (potential purchaser uses a PC, PDA, cellular phone, or the like; paragraph 62) and a responding site (responding service provider) and for receiving inquiry data from a user at an active inquiring user terminal including identification data and type of subject matter data for communication relating to an area of interest (sign up wizard 130 and data input screen 132 collect buyer identification data, paragraph 77, and data defining the nature of services requested, paragraph 88);

memory storage to receive and store responder data (service provider data is stored in a service provider database 154; paragraphs 82-86); and

a processor (processor 204 identifies one or more buyer/service provider matches, paragraph 88, and provides associated video/audio files, paragraph 86).

Regarding claim 65, 84, system 100 allows a buyer to consummate a transaction via a payment retaining system (paragraphs 66, 143).

Regarding claims 66-67, 85-86, 113, 120, buyer request data can include maximum cost (paragraphs 88, 90).

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Regarding claims 68, 87, 105, 123, system 100 provides a variety of service applications, e.g. medical services, legal services, accounting services, financial services building services, construction services, architectural services, etc. (paragraphs 54, 82).

Regarding claims 70-72, 76, 89-92, 96, 104, 107, 112, 116, system 100 provides for presenting product information via a variety of text, video/audio communication modes (paragraphs 46, 52, 86, 187, 191).

Regarding claims 73, 93, a buyer can access stored audio files using a telephone (paragraph 62).

Regarding claims 77, 97, 111, 119, buyer information includes credit card information for billing purposes (paragraph 77).

Regarding claims 81, 101, inquiry data can be expressed by voice using voice recognition technology (paragraph 156).

Regarding claim 106, service providers can be selected based on geographic location/geographic coverage (paragraphs 46, 84).

Regarding claim 110, system 100 collects the buyer's email address (paragraph 77).

Regarding claim 115, system 100 includes an operator terminal (trained service consultant to assist customers by way of live chat, phone, audio, video and/or email; paragraph 187).

Regarding claim 124, system 100 allows for face-to-face contact with a service provider using audio and video technologies (paragraph 181).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 69 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vega in view of Walker et al. (US 5,884,272, hereinafter "Walker").

Vega differs from claims 69 and 88 in that although it provides for a variety of service provider applications, it does not specify a dating service. However, Walker teaches the well known use of a communication system for providing a dating service (col. 7, lines 29 – col. 8, line 40) such that it would have been obvious to an artisan of ordinary skill to modify the system of Vega to allow for dating service provision as well.

8. Claims 74 and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vega in view of Klingman (US 5,729,594).

Vega differs from claims 74 and 94 in that it does not specify the telephone line as being a caller paid telephone line. However, Klingman, from the same field of endeavor, teaches the well known use of a caller paid telephone line (900 number) for accessing an on-line transaction system such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a caller paid telephone line, as taught by Klingman, within the system of Vega in order to charge users for accessing the system over the telephone line.

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9. Claims 75 and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vega in view of Foster et al. (US 4,897,867, hereinafter "Foster").

Vega differs from claims 75 and 109 in that it does not specify the use of a check digit. However, Foster teaches the desirability of using a check digit when receiving order information over the telephone lines (col. 7, lines 54-61) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a check digit, as taught by Foster, within the system of Vega in order to ensure the accurate receipt of user entered information.

Response to Arguments

10. Applicant's arguments with respect to claims 63-124 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stella L. Woo/
Primary Examiner, Art Unit 2614